



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/595,573

04/27/2006

Jung Hyun Kee

2017-074

2915

52706

7590

11/10/2008

IPLA P.A.

3580 WILSHIRE BLVD.

17TH FLOOR

LOS ANGELES, CA 90010

EXAMINER

WOOD, JONATHAN K

ART UNIT

PAPER NUMBER

4137

MAIL DATE

DELIVERY MODE

11/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/595,573	Applicant(s) KEE, JUNG HYUN	
	Examiner JONATHAN WOOD	Art Unit 4137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/27/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: Page 9, Line 15 recites, "diameter d and a thickness d" which appears to be a typographical error of the phrase "diameter d and a thickness t" as mentioned elsewhere in the application.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 4137

4. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over the translation of Korean Patent No. 20-0247187 to *Gi* (*Gi*) in view of US Patent No. 5,037,007 to *Deussen* (*Deussen*).

In Reference to Claim 1

Gi teaches:

A dispenser with a sealed dispensing valve unit (Fig. 2), which is secured to a mouth of a hermetic casing (trough 10) holding a cream-type cosmetic that is deteriorated by contact with air and has high viscosity, and discharges contents through a center of an upper plate of a button (button 40) (§ 21, ll. 3-5), when the button having a shape of a concave dish (dish portion 46) is pushed to operate pumping means provided under the button (§ 21, ll. 1-2), the dispenser comprising:

an outlet hole (outlet channel 47) bored in a concave central portion (dish portion 46) of the button (button 40),

Gi fails to disclose:

An outlet hole with an inclined inner surface defining a lower portion of the outlet hole and being tapered in a direction from an upper portion to a lower portion of the inclined inner surface, and a vertical inner surface extending from an upper end of the inclined inner surface to a predetermined height;

and a dispensing valve having at a lower portion thereof a funnel-shaped inclined outer surface to selectively come into contact with the inclined inner surface of the outlet hole due to operation of the pumping means, thus opening

Art Unit: 4137

or closing the outlet hole, with a vertical outer surface extending upwards from an upper end of the inclined outer surface to a predetermined height.

Deussen teaches:

An outlet hole (pumping and dosing chamber 12) with an inclined inner surface (conical bottom surface 22a) defining a lower portion of the outlet hole and being tapered in a direction from an upper portion to a lower portion of the inclined inner surface (Fig. 2; col. 5, line 17), and a vertical inner surface (inside surface 15) extending from an upper end of the inclined inner surface to a predetermined height (Fig. 2);

and a dispensing valve (piston 13) having at a lower portion thereof a funnel-shaped inclined outer surface (front face 20a) to selectively come into contact with the inclined inner surface of the outlet hole due to operation of the pumping means (actuating element 31) (col. 4, ll. 63-68), thus opening or closing the outlet hole (col. 5, ll. 1-5), with a vertical outer surface (cylindrical piston ring 14) extending upwards from an upper end of the inclined outer surface to a predetermined height (Fig. 2).

It would have been obvious to one having ordinary skill in the art at the time of the invention to have incorporated the outlet hole and valve structure of *Deussen* into the dispenser of *Gi* in order to facilitate a reliable seal (*Deussen*, col. 5, line 12), thus reducing exposure of the contents of the dispenser to the elements and increasing the life of the product inside.

In Reference to Claim 2

Art Unit: 4137

Gi when modified by *Deussen* would result in the dispenser according to claim 1 (see the rejection of claim 1 above), wherein an outer diameter (d) and a height (t) of the vertical outer surface of the dispensing valve are smaller than an inner diameter (D) and a height (T) of the vertical inner surface of the outlet hole (Fig. 1), so that some of the contents are filled between the vertical outer surface and the vertical inner surface, thus providing a sealing film (inherently capable of).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US Patent No. 3,999,570 to *Clements* and US Patent No. 5,163,922 to *McElveen, Jr. et al.* disclose similar outlet hole and valve structures as disclosed by *Deussen*.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN WOOD whose telephone number is (571)270-7422. The examiner can normally be reached on Monday through Friday, 7:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ken Bomberg can be reached on (571)272-4922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 4137

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JKW/

Examiner, Art Unit 4137

/David J. Isabella/

Supervisory Patent Examiner for Ken Bomberg, Art Unit 4137